

ARTICLE APPEARED
ON PAGE **A47**

NEW YORK TIMES
15 December 1985

PROFESSOR PRESSES BID TO GAIN FILES

Weicker, After Reading Data,
Asserts Teacher's Loyalty
Was Unfairly Doubted

Special to The New York Times

WASHINGTON, Dec. 14 — Senator Lowell P. Weicker Jr., sitting in a "clean room" on Capitol Hill, read through the classified file that the Central Intelligence Agency has kept for a quarter of a century on a Columbia University professor. When he had finished, he emerged to say the Government owed the professor an apology for labeling him a security risk.

The C.I.A. has rejected efforts by the professor, Penn T. Kimball, to obtain his entire file, although it has given him expurgated versions that he says are largely unintelligible because major sections have been deleted.

Mr. Kimball has tried since 1977 to gain the release of all the files about him and force the Government to retract the conclusion in them that he is "a definite security risk" of questionable loyalty.

He began his efforts after discovering that the State Department had opened a file on him when he applied for a Foreign Service post in 1946. His application to the Foreign Service was rejected after his loyalty was questioned.

Seeking File for 8 Years

Mr. Kimball says he may also have been passed over for a job in the Kennedy Administration as a result of the files.

He has been working, sometimes obsessively, he concedes, for eight years to win the release of his files. Sometimes, the 70-year-old professor says, he has the vision of a Government security official holding his requests for documents in one hand and the actuarial tables in the other.

Mr. Kimball, using the Freedom of Information Act and the Privacy Act, has obtained most of the information kept on him by the State Department and the Federal Bureau of Investigation, information that used as the basis of a 1983 book, "The File."

When he was unable to obtain most of his C.I.A. file, he asked Senator Weicker, a Republican from Connecticut, to use his Congressional security clearance to examine the file for him. Mr. Kimball, now a Manhattan resident, lived in Connecticut for much of time when the files were being gathered.

Mr. Weicker said security rules prevented him from discussing the details of the files he examined, which covered both Mr. Kimball and his wife, Janet, who died in 1982.

But after looking at the files Thursday, Mr. Weicker said that the conclusion that Mr. Kimball was a security risk had been based on "a sort of general smear tactic" and "guilt by association."

In his book and in an interview, Mr. Kimball offered several examples of this. He said the fact that he worked for PM, a liberal tabloid published in the early 1940's in New York, had been interpreted by Government security agents as evidence of left-wing political sympathies.

In another instance, suspicion was cast on both Mr. Kimball and his wife because she was a real-estate broker in the same time that two accused Soviet spies were selling a house in South Salem, N.Y., about 15 miles away. The accused spies fled to Mexico at about the same time as Mr. Kimball and his wife went on vacation to Mexico City, Mr. Kimball said.

Refusal to Apologize Faulted

Based on his examination of the files, Senator Weicker said that, while the investigation of the spies was legitimate, he believed Mrs. Kimball "got caught up in an ancillary or incidental way" and that both Mr. Kimball and his wife had "been wronged" by the Government agencies.

"I would hope that my Government, Penn Kimball's Government, would in some way express their redress to him," Senator Weicker said. "The inability of Government to say, 'Hey, we're wrong,' is what I find difficult to accept. If individuals can do it, the Government can do it."

Mr. Kimball describes himself as a New Deal Democrat. He said he never was associated with any radical group. He attended Princeton University, served as a marine in the Pacific during World War II, worked as a journalist after the war and is a professor at the Columbia University Graduate School of Journalism.

Mr. Kimball filed suit last year in the Federal District Court in Manhattan, seeking \$10 million in damages from the State Department, the F.B.I. the C.I.A. and the Federal Government as a whole.

Offer to Destroy Files

The Government, according to Mr. Kimball, offered a settlement. The F.B.I. and the State Department offered to destroy their files on Mr. Kimball. The C.I.A., however, said only that it might destroy the file in the future, Mr. Kimball said.

Mr. Kimball's lawyer, Jacob D. Fuchsberg, a former judge of the New York State Court of Appeals, rejected the offer last month.

"It seems to us that some acknowledgement that the information which resulted in the stigmatizing classification was based, largely, if not in whole, on hearsay is in order," Mr. Fuchsberg wrote to the United States Attorney's office in Manhattan. The Government should also "retroactively suspend the classification of the Kimballs as disloyal," he said.

Kenneth Young, an assistant United States Attorney in New York, would not comment on the case because it is pending.

Senator Weicker said that Mr. Kimball's case illustrated a flaw in the Freedom of Information Act.

In seeking to obtain documents about him, Mr. Kimball had to appeal to the same agencies that had created the files, reached conclusions about their contents and classified them, Senator Weicker said.